

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

HAROLD E. JACKSON,

Plaintiff,

-v-

9:11-CV-0128

ANDREA EVANS; BRIAN FISCHER; and
ANDREW CUOMO,

Defendants.

APPEARANCES:

OF COUNSEL:

HAROLD E. JACKSON, 02-A-6683
Plaintiff, pro se
Hudson Correctional Facility
Box 576
Hudson, NY 12534

DAVID N. HURD
United States District Judge

DECISION and ORDER

Plaintiff brought this civil rights action pursuant to 42 U.S.C. § 1983. On September 29, 2011, the Honorable George H. Lowe, United States Magistrate Judge, advised, by Report-Recommendation, that: (1) the Clerk be directed to enter judgment dismissing this action, without prejudice, if plaintiff fails to pay the full filing fee within thirty (30) days of the date of the Report-Recommendation; (2) plaintiff's motion for injunctive relief, Dkt. No. 5, be denied without prejudice to renew; and (3) plaintiff's motion for summary judgment, Dkt. No.

7, be denied without prejudice to renew. No objections to the Report-Recommendation were filed.¹

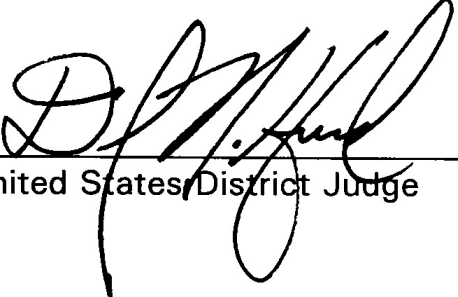
Based upon a careful review of the entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. 636(b)(1).

Accordingly, it is

ORDERED that

1. Plaintiff's motion for injunctive relief is DENIED without prejudice;
2. Plaintiff's motion for summary judgment is DENIED without prejudice; and
3. Plaintiff's complaint is DISMISSED without prejudice after failing to pay the full filing fee within thirty (30) days of the September 29, 2011, Report-Recommendation.

IT IS SO ORDERED.


United States District Judge

Dated: November 7, 2011
Utica, New York.

¹ On October 6, 2011, the Report-Recommendation was returned undeliverable as plaintiff was released from Hudson Correctional Facility on July 15, 2011, with no updated address. See Dkt. No. 12.